

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION**

Felicia Patterson,

Plaintiff,

v.

Carolyn W. Colvin, Acting Commissioner
of Social Security Administration,

Defendant.

Civil Action No. 5:15-cv-1448-JMC

ORDER

Felicia Patterson (“Plaintiff”) brings this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of a final decision of Defendant, the Acting Commissioner of Social Security (“the Acting Commissioner” or “Defendant”), which denied her claim for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”). (ECF No. 1.) On April 1, 2015, Plaintiff filed the Complaint seeking an order from this court reversing the Acting Commissioner’s finding that Plaintiff does not meet the requirements to receive DIB and SSI based on her various physical and mental conditions. (ECF No. 1.)

This matter was referred to Magistrate Judge Kaymani D. West for a Report and Recommendation (“Report”) pursuant to Local Civil Rule 83.VII.02 for the District of South Carolina. The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. On May 10, 2016, the Magistrate Judge issued a Report recommending that this action be remanded for consideration of whether there is evidence that Plaintiff meets the criteria for disability benefits found in 20 C.F.R. Pt. 404, Subpt. P, App. 1 § 12.05C and consideration of Plaintiff’s remaining allegations of error. (ECF No. 12.) The Magistrate Judge’s Report sets forth the relevant facts and legal standards,

which this court incorporates herein without a recitation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Matthews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge’s recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The parties were notified of their right to file objections. (ECF No. 12 at 16.) The parties were required to file objections by May 27, 2016. Plaintiff did not file objections. Defendant filed a Notice of Not Filing Objections to the Report and Recommendation of the Magistrate Judge. (ECF No. 14.) In the absence of objections to the Report, this court is not required to provide an explanation for adopting the Magistrate Judge’s recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Instead, the court must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough and careful review of the record, the court finds that the Magistrate Judge’s Report and Recommendation provides an accurate summary of the facts and law in the instant matter. The court **ACCEPTS** the Magistrate Judge’s Report (ECF No. 12), and incorporates it herein by reference. For the reasons set out in the Report, the Acting Commissioner’s decision is **REVERSED AND REMANDED**.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

June 14, 2016
Columbia, South Carolina